

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

474TH REGULAR BOARD MEETING

Minutes

Board Meeting Date: Thursday, June 10, 2004
Meeting Location: The Metropolitan Water District, Boardroom
700 North Alameda Street
Los Angeles, CA

Call to Order

Chair Diamond called the meeting to order at 9:16 a.m.

Roll Call

Members Present: Julie Buckner-Levy, Susan Cloke (Vice Chair), Francine Diamond (Chair), Keith McDonald and David Nahai.
Members Absent: Bradley Mindlin, Christopher Pak and Tim Shaheen

Order of Agenda

Motion: Continue the following items: 8.1, 9.1, 9.4, 9.5, 9.7, 14 and 17.
First: Nahai
Second: Buckner-Levy
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None
Abstain: None

At the close of the morning session, the Chair announced that at the start of the afternoon session the order of agenda items would be as follows: 15, 13, 10 and 11.

Approval of Minutes

Motion: Approve the minutes for the April 1, 2004 Regular Meeting.
First: Diamond
Second: Nahai
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None
Abstain: None

Motion: Approve the minutes for the May 6, 2004 Regular Meeting with the following correction: Under Board Member Communications, Section 4.1, Ex Parte Disclosure, record that Susan Cloke met with Los Angeles County Supervisor Yaroslavsky to discuss water quality issues.

First: Buckner-Levy
Second: Nahai
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None
Abstain: None

Board Member Communications

Cloke: Met with US Senator Diane Feinstein representatives to discuss water quality issues related to Hansen Dam (Agenda Item 13); and Participated in settlement negotiations related to *US/EPA and Los Angeles Regional Water Control Board v. City of Los Angeles*.

Diamond: Participated in Clean Beaches Initiative press conference; Participated in the Malibu Water Quality Conference; Along with Dennis Dickerson, met with Wayne Natri (US/EPA Region IX Administrator) to discuss water quality issues; and Participated in World Oceans Day press conference.

Executive Officer's Report

Report presented by Dennis Dickerson, Executive Officer and posted on the Board's website: www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html. Dickerson noted that June 30th was his last day as the Board's Executive Officer and thanked both the Board and staff for their support and assistance.

Recognition to Executive Officer

Chair Diamond presented the Executive Officer with resolutions recognizing his contributions from State Senator Kuehl, City of Los Angeles and City Councilmember Jack Weiss, and the Board. Additionally, the Chair presented the Executive Office with a plaque recognizing his dedication and leadership.

Public Forum

The following individuals addressed the Board:

- Stephen Beck, Professional Engineers in California Government, accompanied by Gay Norris, Professional Engineers in California Government, Los Angeles Section and Board staff member. Presented the Executive Officer with a plaque acknowledging his leadership.
- Mary Jane Foley, Former State Water Board Member. Acknowledged the Executive Officer's dedication and leadership.
- Jerry Piro, East Valley Coalition. Expressed concern about grant money from the State of California Public Utility Commission not being awarded to Southern California or the Sun Valley and Tujunga Wash Watershed.
- Dr. Mark Gold, Executive Director, Heal the Bay. Noted that it has been a rewarding experience working with the Executive Officer. Requested the Board to consider the cumulative impacts and compliance with 316(b) regulations for impingement and entrainment when reviewing pending NPDES permits for power plants. The speaker noted the new regulations

require the reduction of impingement from 80 to 95 percent from uncontrolled levels and the reduction of entrainment from 60 to 90 percent from uncontrolled levels. The speaker asked that greater consideration be given to the impact of power plants on fish and co-location with desalination operations. The speaker also expressed concern with the impact of desalination plants on water conservation and reuse.

- Dr. Shelley Luce, Science and Policy Director, Heal the Bay. Expressed concern about the lack of effluent limits on the permits for San Jose and Pomona facilities operated by the LA County Sanitation District. Speaker noted that the California Toxics Rule lists 126 priority pollutants but that the San Jose permit had only 13 and the Pomona permit had only 9 effluent limits. Speaker was critical of the use of hardness calculations to adjust limits for priority pollutants and of the chronic toxicity effluent limits. Speaker advocated for the more rigorous use of “best professional judgement” as allowed by the State Implementation Plan and not to wait for Phase Two of the SIP since its does not have a defined timeline. [NOTE: Speaker’s comments were incorporated into the record for Items 10.1, 10.2, 11.1 and 11.2]

Uncontested Items

Motion: That the following agenda items be called uncontested items and approved: 8.3, 8.4, 8.5, 9.2, 9.3, 9.8, 9.9, 9.10 and 12

First: Nahai

Second: McDonald

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai

Oppose: None

Abstain: None

Waste Discharge Requirements

8.1 Chevron Products Company (El Segundo Refinery), El Segundo.

Public Hearing Opened and Oath Administered.

Staff Report: Blythe Ponek-Bacharowski, assisted by Dave Hung and Tony Rizk

Public Comment:

- Lani Marshall, Health and Environmental Safety Manager, Chevron, Inc.
- Dr. Mark Gold, Executive Director, Heal the Bay.

Board Discussion Topics:

- Reason for relaxation of effluent limitations; How effluent limitations were modeled and determined; Interrelationship between new dilution factor, existing effluent limitations and Ocean Plan; Does proposed permit lower effluent limits which are currently being met; Does the Ocean Plan allow conventional pollutants and toxic pollutants to be considered as individual constituents or as components of one of two categories with separate limits; Does the Ocean Plan require a similar dilution factor for all toxic pollutants; Does Chevron plan on changing its effluent to take advantage of the 1-to-80 dilution ratio.

Motion: Continue item to the July 2004 Board meeting; and to have staff counsel report on what, if any, flexibility the Board has on setting effluent limits for specific toxic pollutants.

First: Diamond

Second: McDonald

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai

Oppose: None

Abstain: None

Consideration of Non-NPDES Requirements (New, Revision, Rescission)

9.6 Reliant Energy Mandalay (Edison Canal Maintenance Dredging), Oxnard

Public Hearing Opened and Oath Administered

Staff Presentation: Michael Lyons

Public Comment:

- Julie Babcock, Senior Environmental Specialist, Reliant Energy.

Board Discussion Topics:

- Frequency of canal dredging; Possible and best use of dredged material; Cost of transporting and disposing of material; Chemical and organic concentrations of sand and silt, Potential of sediment to impact groundwater; Current and potential mound height; Mound's visual intrusiveness; Current WDR requirements.

Motion: To table discussion of proposed permit until the afternoon session.

First: Cloke

Second: McDonald

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai

Oppose: None

Abstain: None

Motion: To reject staff's recommendation insofar as it would allow the permanent on-site storage of the dredged material; to modify the tentative WDRs to include all of the following changes; and to delete any provision of the tentative WDRs that is in conflict with said changes:

- Change Paragraph 7 to Paragraph 7-A
- Add Paragraph 7-B with the following text: "15,000 cubic yards of existing dredged soil shall be removed in its entirety by October 30, 2004."
- Add Paragraph 7-C with the following text: "All materials disposed from Areas A and B shall be removed by August 31, 2006."
- On Page 9.6-11, "Provisions," change Paragraph 1 to Paragraph 1-A
- On Page 9.6-11, "Provisions," add Paragraph 1-B with the following text, "Within 45 days of the approval of this order, discharger shall submit a detailed plan for approval by the

Executive Officer which sets the schedule for placement of any additional dredged soil and subsequent removal in conformance with Discharge Requirements A, 7-B, and 7-C.”

- On Page 9.6-11, “Provisions,” change Paragraph 1-B to Paragraph 1-C with the following text: “All dredged material shall be removed to an appropriate site for disposal or reuse.”
- On Page 9.6-13, Paragraph 12, change expiration date to August 31, 2006.

First: Nahai

Second: Cloke

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai

Oppose: None

Abstain: None

Resolutions—Mitigated Negative Declaration/Template MOU

15. Consideration Of a Tentative Resolution Adopting a Template Memorandum of Understanding (MOU) and Waivers Of Waste Discharge Requirements for Residential and Certain De Minimis Commercial On-Site Wastewater Treatment Systems, and a Tentative Resolution Adopting a Mitigated Negative Declaration for the Waivers.

Public Hearing Opened and Oath Administered

Staff Report: Dennis Dickerson, assisted by Jenny Newman. Staff noted one change to the Board package: Page 15.1-7 add “if necessary” to section addressing code amendments to comply with AB 885.

Public Comment:

- Carrie Inciong, Department of Public Works, Watershed Management Division, County Department of Public Works
- Dr. Gerry Greene, Los Angeles County Executive Advisory Committee
- Dr. Mark Gold, Executive Director, Heal the Bay
- Kathleen MacGowan, Consultant representing the Cities of Rolling Hills Estates and Rolling Hills
- Steve Castellano, City of La Canada/Flintridge
- Katie Lichtig, City Manager, City of Malibu
- Craig George, City of Malibu
- Brent Lorscheider, Bureau of Sanitation, City of Los Angeles
- Andrew Sheldon, Resident, Topanga Canyon

Board Discussion Topics:

- Once negotiated, will individual MOUs be brought back to the Board for final approval; Consideration that all or only some MOUs be brought back to the Board for approval; How can an inventory of septic systems be efficiently created; How to distinguish areas where septic system may or may not be impacting groundwater; When will

state regulations (AB 885) be adopted; Funding options available to local government; Requirements of initial phase of MOU; Consideration that the 90-deadline will not be met by a number of cities waiting for the County to go first. Possible incentives to encourage the county and cities to negotiate individual MOUs, including CAOs. Relationship between adopted MOUs and state AB 885 regulations. Consideration of what will happen between the time the MOU is negotiated and the time state regulations are adopted. Status of existing WDRs.

Motion: Adopt staff's proposal as follows and amended:

- 1) Adopt the template MOU regarding onsite wastewater treatment systems
- 2) Authorize the Executive Officer to approve and execute on behalf of the Regional Board individual MOUs with local agencies in the Region based substantially on the requirements of the template MOU or functionally equivalent requirements. Individual MOUs shall be negotiated with local agencies based on the template MOU. Individual MOUs shall commit the local agency to amending their municipal plumbing code and on-site wastewater treatment system program, if necessary, in order to be substantially equivalent to any statewide standards adopted pursuant to CWC section 13290 and 13291. Individual MOUs shall incorporate additional measures to be taken by the local agency to identify and address areas of degraded groundwater or surface water quality where onsite wastewater treatment systems are a potential source of contamination.
- 3) Waive WRDs and the requirement to submit a ROWD for residential and certain de minimus commercial on-site wastewater treatment systems for a period of 60 days from the effective date of this Resolution in the City of Malibu and the unincorporated portions of the County of Los Angeles, and for a period of 120 days from the effective date of this Resolution in the remaining areas of the Region, including the County of Ventura. These waivers shall be extended to five years from the effective date of this Resolution for on-site wastewater treatment systems located in areas where a local agency has entered into an individual MOU with the Regional Board. Owners of onsite wastewater treatments systems specified in the MOU shall apply for a permit from the appropriate local agency for on-site wastewater treatment systems in accordance with applicable local ordinances. If after 60 days the County of Los Angeles or the City of Malibu has not entered into a MOU, or if after 120 days any other local agency has not entered into a MOU, the waivers shall terminate and the Regional Board shall undertake direct regulation of all new or existing onsite wastewater treatment systems within that local agency's jurisdiction.

First: Diamond
Second: Nahai
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None
Abstain: None

Motion: Adopt the CEQA resolution
First: Nahai
Second: McDonald
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None
Abstain: None

401 Water Quality Certification

13. Consideration of Proposed Revision of the Hansen Dam Section 401 Water Quality Certification (File No. 03-160)

Staff Report: Jonathan Bishop.

Public Comment:

- Chair read letter sent by Guillermo Gonzalez, Deputy State Director, Office of US Senator Diane Feinstein
- Lieutenant-Colonel David Turk, US Army Corps of Engineers, Los Angeles District
- Rosalyn Steward, Office of Los Angeles City Councilmember Wendy Greuel
- Deborah Baumann, Tujunga Watershed Council and Stakeholders
- Electra Kruger, Shadow Hills Property Owners Association
- Jerry Piro, East Valley Coalition
- Dennis Brokelin, Hansen Dam Lakes Coalition
- Mary Decker, Assistant City Attorney, Office of Los Angeles City Attorney

Board Discussion Topics:

- The criteria used for identifying and selecting mitigation options; Opportunities for public to comment on mitigation options; Summary of oversight provisions; Reports and other documents which will be generated during and after debris removal and mitigation.

Motion: No motion required; Informational Item

NPDES/Time Schedule Order

- 10.1 and 10.2 Consideration of Proposed NPDES Permit Renewal and Issuance of Time Schedule Order for the County Sanitation Districts of Los Angeles County (San Jose Creek Water Reclamation Plant).
- 11.1 and 11.2 Consideration of Proposed NPDES Permit Renewal and Issuance of Time Schedule Order for the County Sanitation Districts of Los Angeles County (Pomona Water Reclamation Plant).

Public Hearing Opened and Oath Administered

Staff Report: Dennis Dickerson, assisted by Bylthe Ponak-Bacharowski.
Report waived.

Public Comment:

- Margie Nellor, Sanitation Districts of Los Angeles County.

Board Discussion Topics:

- Staff proposed additional language change which was modified by the Board as follows: Page 10.1-145 add new paragraph 9 with the following text: "This order may be reopened and modified if there is opinion by staff counsel that final limits, removed pursuant to a reasonable potential analysis, may nonetheless be restored or retained. Such reopener shall be brought to the Regional Board at the earliest opportunity thereafter." Page 11.2-192 add new paragraph I with same text.

Motion: Approve staff's recommendation for Items 10.1 and 10.2 with the additional language proposed by staff and as amended by the Board and incorporate into the record the comments made by Dr. Shelley Luce during Public Forum.

First: Diamond

Second: McDonald

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai.

Oppose: None

Abstain: None

Motion: Approve staff's recommendation for Items 11.1 and 11.2 with the additional language proposed by staff and as amended by the Board and incorporate into the record the comments made by Dr. Shelley Luce during Public Forum.

First: Diamond

Second: Nahai

Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai

Oppose: None

Abstain: None.

Other Business

16. Consideration of 11 Tentative Supplemental Environmental Projects as Submitted for Inclusion and Update of the California Regional Water Quality Control Board, Los Angeles Region Supplemental Environmental Project List as Adopted Under Resolution No. 03-003, Rescission of Resolution No. 03-003 and Consideration of Resolution No. 04-Xxx.
Staff Report: Paula Rasmussen, assisted by Gay Norris. Report waived.
Motion: Move adoption
First: Nahai
Second: Cloke
Support: Buckner-Levy, Cloke, Diamond, McDonald and Nahai
Oppose: None

Abstain: None

Information Items

- 18 Update on Risk Assessment of Decentralized Wastewater Management in High Priority Areas of the City Of Malibu

Staff Report: None

Speakers:

- Katie Lichtig, City Manager, City of Malibu, assisted by Bruce Douglas, Questa Engineering. (Provided the Board with a summary report on recently completed and on-going activities to identify and assess impacts of on-site wastewater treatment systems in the City of Malibu.).

Adjournment

Chair adjourned the meeting at 4:45pm and in honor of Dennis Dickerson